

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

AVR GROUP, LLC, TRIDENT ASSET MANAGEMENT, INC., MICHAEL DZIURGOT, individually and as the representatives of a class of similarly-situated persons,

Plaintiffs,

vs.

ALEBRIJE ENTERTAINMENT, LLC, CRAIG COLE, MATTHEW COLE, GUSTAVO MONTAUDON, and John Does 1-10,

Defendants.

Case No. 1:24-cv-20755

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**DEFENDANT CRAIG COLE’S UNOPPOSED MOTION FOR LEAVE TO FILE INDIVIDUAL MOTION TO DISMISS**

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Pursuant to the Court’s March 25, 2024 Order, Defendant Craig Cole hereby moves to request that he be granted leave to individually file his *Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim for Relief* (the “Motion”). In sum, Plaintiffs’ scattershot Complaint takes generous liberties in stretching the facts and blending multiple jurisdictional and legal defects to try and create a “class action” to pursue indirect claims against unrelated parties<sup>1</sup> stemming from a Ponzi Scheme that is subject to a receivership order in *S.E.C. v. 1inMM Capital*,

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<sup>1</sup> Matthew Cole and Craig Cole are father and son respectively, but the alleged actions have no relation to this familial connection.

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*LLC*, No. 2:21-cv-02927 (C.D. Cali. 2021) (the “Receivership Matter”).<sup>2</sup> Based on the posture of the Receivership Matter, Craig Cole’s unique legal positions relative to Matthew Cole and other named defendants, and all other related cases highlighted in the Motion, Craig Cole has unique jurisdictional and legal defenses that cannot be jointly raised with all other defendants. Accordingly, Craig Cole requests leave to individually file his *Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim for Relief*.

Dated: April 19, 2024

Respectfully submitted,

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<sup>2</sup> As will be detailed in the Motion to Dismiss, this action should be barred as being derivative to the Receivership Matter.

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**CERTIFICATE OF CONFERRAL**

Pursuant to Local Rule 7.1(a)(3)(A), I hereby certify that counsel for the movant has conferred with opposing counsel in a good faith effort to resolve the issues in the motion. Opposing counsel does not oppose the requested relief.

/s/ Francis D. Murray

FRANCIS D. MURRAY

**CERTIFICATE OF SERVICE**

I hereby certify that on April 19, 2024, I electronically filed the foregoing document with the clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Francis D. Murray

FRANCIS D. MURRAY